
SENATE BILL No. 257

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1-1.1-5; IC 20-8.1; IC 20-10.1-22.4-3; IC 31-34-16-4.

Synopsis: Students and petitions for parental participation. Requires schools to report the reasons for student suspensions and expulsions to the department of education. Authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation. Provides that the court shall either supervise the student or order the supervision of the student. Provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court. Provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid. Allows the school corporation to disclose to a court the education records of a student who has been suspended or expelled. Raises the age of mandatory school attendance to 18 years of age. Provides that a juvenile court may hold a hearing on a petition for parental participation at any time.

Effective: July 1, 2005.

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January 6, 2005, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 257

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-1-1.1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The department
3 shall:

- 4 (1) perform the duties required by statute;
- 5 (2) implement the policies and procedures established by the
6 board;
- 7 (3) conduct analytical research to assist the state board of
8 education in determining the state's educational policy;
- 9 (4) compile statistics concerning the ethnicity and gender of
10 students in Indiana schools, including statistics for all information
11 that the department receives from school corporations on
12 enrollment, number of suspensions, and number of expulsions;
13 and
- 14 (5) provide technical assistance to school corporations.

15 (b) **The department, in compiling statistics under subsection**
16 **(a)(4), must categorize suspensions and expulsions by cause as**
17 **follows:**

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- (1) Physical aggression.
- (2) Verbal aggression or profanity.
- (3) Disruptive behavior.
- (4) Defiance.
- (5) Attendance.
- (6) Destruction of property.
- (7) Alcohol, drugs, or tobacco.
- (8) Weapons.
- (9) Other.

(c) The department shall develop guidelines necessary to implement this section.

SECTION 2. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual:

- (1) graduates; **or**
 - (2) reaches at least ~~sixteen (16)~~ **eighteen (18)** years of age ~~but who is less than eighteen (18) years of age~~ and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation. ~~or~~
 - ~~(3) reaches at least eighteen (18) years of age;~~
- ~~whichever occurs first.~~

(c) An individual who:

- (1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and
- (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

- (1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana;

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(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit

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interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) A student who is at least ~~sixteen (16)~~ **seventeen (17)** years of age but less than ~~eighteen (18)~~ **nineteen (19)** years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 3. IC 20-8.1-5.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 5.2. Court Assisted Resolution of Suspension and Expulsion Cases

Sec. 1. A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or order the supervision of a suspended or expelled student who has been referred to the court by the school corporation in accordance with the terms of the agreement.

Sec. 2. The agreement may require that a court do one (1) or more of the following:

- (1) Establish a flexible program for the supervision of a student who has been suspended or expelled.
- (2) Supervise a student who has been suspended or expelled.
- (3) Order a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

Sec. 3. (a) The agreement may require that a school corporation do one (1) or more of the following:

- (1) Define the violation for which a student who has been

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suspended or expelled shall be referred to the court.

(2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.

(3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-8.1-5.1-7 must specify the violations for which a student may be referred to the court under the agreement.

Sec. 4. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the amount determined under IC 21-3-1.7-6.7(e) for each student referred to the court under the agreement.

Sec. 5. A student shall be given a hearing before the court as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

Sec. 6. A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:

- (1) be a child in need of services; or
- (2) have committed a delinquent act;

the court may notify the office of family and children or the prosecuting attorney.

Sec. 7. Notwithstanding the terms of an agreement, a suspension, an expulsion, or a referral to the court of a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the:

- (1) procedural requirements of 20 U.S.C. 1415; and
- (2) rules adopted by the Indiana state board of education.

SECTION 4. IC 20-10.1-22.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of

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the child's parent, guardian, or custodian, under the following conditions:

(1) The disclosure or reporting of education records is to a state or local juvenile justice agency.

(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

(1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and

(2) makes a good faith effort to comply with this section; is immune from civil liability.

(e) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may report on or disclose to a court the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, if the child has been suspended or expelled and referred to the court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-8.1-5.2. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication.

SECTION 5. IC 31-34-16-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The court may
2 hold a hearing on a petition ~~concurrently with a dispositional hearing~~
3 ~~or with a hearing to modify a dispositional decree. at any time.~~

4 (b) If the order concerns participation of a parent, the juvenile court
5 shall advise the parent that failure to participate as required by an order
6 issued under IC 31-34-20-3 (or IC 31-6-4-15.8 before its repeal) can
7 lead to the termination of the parent-child relationship under IC 31-35.

8 (c) If the court finds that the allegations under section 3 of this
9 chapter are true, the court shall enter a decree.

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